

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	WT Docket No. 10-119
)	
Review of the Commission's Part 95)	
Personal Radio Service Rules)	WT Docket No. 98-182
)	
1998 Biennial Regulatory Review – 47)	
CFR Part 90 – Private Land Mobile)	RM-9222
Radio Services)	
)	
Petition for Rulemaking of Garmin)	RM-10762
International, Inc.)	

NOTICE OF EX PARTE PRESENTATION

Pursuant to Section 1.1200 et seq. of the Commission's Rules and Regulations I am giving notice of an ex parte presentation made by me in the above matter. Present at the meeting were:

- 1) P. Randall Knowles, KAA 8142
- 2) B.C. "Jay" Jackson, FCC, WT Bureau, Mobility Division
- 3) Thomas Derenge, FCC, WT Bureau, Mobility Division
- 4) Scot Stone, FCC, WT Bureau, Mobility Division
- 5) Roland Helvajin, FCC, Office of Managing Director

Summary of substance of ex parte presentation. GMRS users perceive the NPRM as proposing almost wholly to restrict, curtail, eliminate, retard, inhibit, remove, etc. present GMRS capabilities. One such example is the proposal to limit the power on GMRS portables and require an integral antenna. GMRS equipment does not come from "Bubble-Pack" manufacturers, but rather is a small subset of the traditional Land Mobile market. Requiring separate, different specifications for GMRS portables will result in no equipment being available. The GMRS market is too small for separate or different designs to be feasible. On a few occasions, such as with GE in the early 80's or later on Standard Communications, GMRS users have been able to get Land Mobile manufacturers to propose or build actual GMRS specific equipment but that has not happened in recent years and we suspect the GMRS market is perceived as too small for further developments of this nature. The integral antenna proposal is onerous because many GMR users employ external antennas, one radio often serves multiple duty as a portable, in a vehicle with a mobile antenna, and in the home with a base antenna. Portables are vital as the Commission has observed, they have gained in popularity over the years. Land mobile equipment makers have traditionally obtained certification for their equipment in both Parts 90 and 95A as the technical requirements are virtually identical.

GMRS users virtually unanimously want licensing to continue. Experience in 27 MHz CB and FRS has clearly demonstrated to us that unlicensed personal radio services are tantamount to no

regulation at all and quickly fall into chaos. GMRS is now and traditionally has been a useful, organized and highly self regulating service. We all know what will happen in the real world if de-licensing comes, destruction of GMRS.

The Commission is right to be concerned by unlicensed use of GMRS frequencies by “Bubble-Pack” users. The real issue is fees. Many “Bubble-Pack” purchasers spend in the vicinity of \$49.99 for a pair of radios and are then confronted with an FCC fee of \$85 for a license, which just doesn’t fly. Marketing of such equipment often obscures the FCC license requirement in fine print. GMRS users understand that the fee is composed of 2 elements (a) the regulatory fee of \$5/year (\$25) and (b) the application processing fee of \$60. We recognize that the regulatory fee defrays the Commission’s costs in enforcement and also WTB actions with regard to GMRS. In today’s world we know its not practical to expect something for nothing. GMRS, like Amateur Radio, is highly self-regulating, but this cannot work in a vacuum, there must be some meaningful enforcement (by the FCC) for self-regulation to work. GMRS users need the FCC and are willing, **in fact desire, to** pay the regulatory fee for these purposes. The problem is with the application processing fee. Over the years with FCC Form 400, 425 (Chicago Regional Spectrum Management Center), 574, etc. we provided technical details the same as other Land Mobile Services on the same form with substantially similar processing. This has all changed with GMRS applications now being filed on FCC Form 605, which merely requires entering of name, address and phone number. The \$60 fee for this mere cursory processing is grossly inequitable. Based on the amount of processing, the fee should be \$5. We recognize that the Commission is mandated by Congress to collect fees to defray costs. If licenses are eliminated there will be NO fees from GMRS. In addition, call sign identification means a reduced burden for the Commission by facilitating self-regulation. In the absence of licenses, call signs and the FCC data base, the enforcement burden will most certainly be greater on the Commission.

The NPRM questioned that licensing accomplished any regulatory goals. In fact, the record demonstrated that licensing serves numerous important regulatory purposes. Self-regulation requires the use of call signs and access to the FCC data base to work. Repeater cooperatives require licensing and the Commission is right that almost all GMRS repeaters are put up by cooperative groups, the technical and financial burdens are just too great for one single person. The Commission is ignoring reality if it thinks that groups of users will invest in putting up a repeater system if FCC rules effectively mandate that just any one can use the system, regardless of participation in a written agreement (as the current rules provide), financial contribution, or control procedures. While custom and usage in the GMRS welcomes “transient users” from outside the normal coverage area on a temporary basis for traveler assistance, etc., local users must participate by means of participation in a written agreement, financial contribution, comport with control procedures, etc. If the Commission eliminates such structure for these repeater groups, repeaters will disappear, users will not put them up under such conditions. This does not mean users will not share the frequency, rather they will not share the repeater system itself without fair participation. In this regard GMRS is very similar to Amateur Radio.

Another example of significant regulatory accomplishment by licensing is specifying who may be a licensee. Personal users fought for years to prevent commercial usurpation of the service. That is, “commercial” users eligible in other Radio Services (such as Part 90) often tried to take over GMRS for their own uses lock, stock, and barrel. Examples were given in a number of filed comments, and another example was in the Chicago area where one equipment seller started to put all the hospitals on GMRS. Personal user cooperatives are not able to compete with such commercial

ventures. Radio vendors are motivated to put up the widest area coverage systems (on Chicago's John Hancock Building, for example) in order to market their gear to the widest number of potential customers. This is not spectrally efficient. Personal users, by contrast, most often put up much more modest systems due to financial, technical and other constraints, which is far more spectrally efficient. In addition, from the very inception of this service in 1947, the Commission has followed an enunciated principle that Class A Citizen's Radio (now GMRS) should provide for users not covered elsewhere in other Land Mobile Radio Services. The only way to accomplish this – protection for personal users and exclusion of “commercial” operators eligible elsewhere (Part 90) thus preventing “commercial” usurpation of the Service, is by licensing.

Call sign identification is vital to locate sources of unintentional interference, both co-channel, as well as to our Part 90 neighbors on nearby frequencies. GMRS users recognize de-licensing for what it means in the real world, a throw away of the service. De-licensing is no more appropriate for GMRS than Amateur Radio. Reference to aircraft radio as unlicensed is vastly different because of ready ID by N number and FAA air traffic controllers are an extensive built in system of regulation. VHF Marine operation by rule is also vastly different in that the boat name is by custom and usage an identification and the Coast Guard, local water patrol, and other law enforcement are a built in system of regulation.

Assuming, in a leap of faith that the Commission will not destroy the service, GMRS has a promising future to be more widely utilized by the general public if a system of selective calling can be made available in equipment. In considering rules for GMRS the Commission should be guided by several general principles.

First, the service should be structured to provide for capabilities and uses not provided for elsewhere in other Land Mobile services.

Second, given the realities of a very limited amount of spectrum the Commission must decide what the primary nature of the service is to be. It has traditionally been voice messages, which GMRS users feel is correct. The rules must be designed to facilitate that primary purpose as much as possible. The service does not have enough spectrum to do all things, digital, texting, GPS location, internet access, interconnect, etc. Any other uses beyond the prime purpose, if considered at all, must be very sparingly applied and be as compatible with the primary purpose as possible. For example 5-tone selective calling appears to be the least disruptive to voice monitoring.

Third, in order to grow the service to a wider base of users, “migration” must start with the existing user base – the existing users must not be disrupted. GMRS is by and large a disciplined self-regulating service and the leadership of existing users and customs and practices are vital to grow it in the most organized and productive way.

Fourth, Commission regulation should be a general regulatory framework only, and not overly detailed. Marketplace forces must be allowed to provide for development of GMRS. On the one hand, the Commission cannot by rule provisions create sources of equipment. On the other what the users create by custom and usage need not be codified. For example, the national traveler assistance subaudible tone of 141.3. A general regulatory structure allows for the maximum of flexibility for future development of the service, both by manufacturers and users. For another example, marketplace forces are the best mechanism for phased conversion to narrow band. As more attractive equipment becomes available, users will switch on their own, further GMRS should continue as

a market for outdated Land Mobile equipment. Consider that public safety in 800 MHz was allowed by the Commission to implement initial narrow banding while keeping exiting equipment, by simply reducing deviation. All of these are examples of user driven market place forces.

Many GMRS users are vitally interested in the future of the service, even when that may clash with their own individual interests. Examples are repeater operators desiring to file more technical details with their applications, even if more expensive. Another example was the initial proposal for FRS. I felt it greatly expanded personal radio uses, and even though overlaid on top of our GMRS frequencies with likely interference, I did not file comments opposing it. Likewise when GE proposed a personal radio service in the 800 MHz band in the early 80's, I felt if that proposal succeeded, GMRS would likely vanish. None-the-less I strongly supported the GE proposal because of its vastly greater spectrum and capabilities. While we appreciate that millions of "Bubble-Pack" Radios have been sold, our experience is that a large percentage are bought as novelties and after some initial use are put away in a drawer and seldom, if ever, heard from again. Sales figures for such radios do not correlate to actual usage.

Scrambling is very ill advised and the Commission's rules already prohibit it. Those rules should be clarified if necessary to bar such operation. From a human factors standpoint, isolating users with such options promotes a perception that the user is alone on the channel and thus defeats the idea of necessary sharing so critical in this service. Custom and usage in GMRS is that if a person has an emergency or urgent message, he may interrupt ongoing transmissions by use of the word "Break". That is not possible with scrambling, not to mention scrambled users will not hear emergencies or other urgent calls by anyone outside of their isolated group. Touting scrambling as a privacy feature denies the realities of the modern world. Just as people have learned that they would be foolish to expect privacy on the internet so too would an expectation of privacy be seriously misleading in an RF environment such as GMRS. Even cellular with its digital format is not immune from eavesdropping, even with the explicit protection of law. GMRS is a shared service which requires awareness of other users on the channel. All too often we have seen employment of scrambling as a means to try and drive other users from the channel.

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